

BILL NO. G-94-09-24

GENERAL ORDINANCE NO. G-

*Losh*

AN ORDINANCE PROHIBITING THE  
NEGOTIATION OF EXCUSED ABSENCE  
AND PAYMENT FOR INDIVIDUALS WHO  
PROVIDE ELECTION-RELATED SERVICES

WHEREAS, before January 1, 1993, City employees traditionally received paid time-off for Primary Election and General Election Days;

WHEREAS, an ordinance allowing for the excused absence and payment for individuals who provide election-related services was defeated by the Common Council of the City of Ft. Wayne on April 26, 1994;

WHEREAS, the current agreement between the International Union of Operating Engineers, Local 19 and the City of Ft. Wayne contains language allowing for an excused absence and payment for individuals who provide election-related services;

WHEREAS, it is in the interest of the City of Ft. Wayne to have consistency with city policies;

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FT. WAYNE, INDIANA;

SECTION 1. No collective bargaining agreement between the city or a collective bargaining unit negotiated shall contain a provision allowing for an excused absence and payment for individuals who provide election-related services.

SECTION 2. Primary Election and General Election Days shall not be recognized as paid holidays for persons employed by the City of Ft. Wayne.

SECTION 3. That this ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and shall apply to all agreements entered into after its effective date.

*Rebecca Lavin*  
Council Member

APPROVED AS TO FORM  
AND LEGALITY

*J. Timothy McCaulay*  
J. Timothy McCaulay  
City Attorney



# The City of Fort Wayne

Paul Helmke, Mayor

24-Hour Job Line (219) 427-1186  
Benefits Administration (219) 427-1198  
EEO/Affirmative Action (219) 427-1180  
Labor Relations (219) 427-1180  
Payroll (219) 427-1292  
Personnel (219) 427-1180  
TDD (219) 427-1180  
FAX (219) 427-1393

Department of Human Resources  
Room 380

## M E M O R A N D U M

To: Members of the City of Ft. Wayne Common Council

From: Nelson Peters, Director of Human Resources

Subject: Election Day Ordinance

Date: August 29, 1994

\*\*\*\*\*  
Almost six months ago an ordinance allowing for the excused absence and payment of employees providing election related services was defeated by the Council. Because there is a clause in the IUOE, Local 19 contract allowing for such payment, same inconsistencies have been noted in the administration of election day absences.

Consequently, it has been necessary to propose a policy that prohibits all city employees from receiving an excused absence and payment for providing election related services. Additionally, Primary and General Election Days shall be not recognized as paid holidays for employees of the City of Ft. Wayne under the proposed ordinance.

I would appreciate your consideration for the passage of the attached ordinance. If you have any questions, in the meantime, please don't hesitate to call.

Y-94-09-24.



Admn Appr \_\_\_\_\_

**DIGEST SHEET**

**TITLE OF ORDINANCE:** An Ordinance prohibiting city employees from receiving an excused absence and payment for providing election related services.

**DEPARTMENT REQUESTING ORDINANCE:** Human Resources Department(8-31-94)

**SYNOPSIS OF ORDINANCE:** To prohibit excused absences and payment for providing election related services to all city employees.

**EFFECT OF PASSAGE:** All employees will be prohibited from using excused absences and receiving payment for providing election related services.

**EFFECT OF NON-PASSAGE:** International Union of Operating Engineers, Local 19 will be allowed to use an excused absence and payment for individuals who provide election-related services.

**MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS):**

**ASSIGNED TO COMMITTEE (PRESIDENT):** \_\_\_\_\_

# *Amendment*

Read the first time in full and on motion by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee on \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock M., E.S.T.

DATED: \_\_\_\_\_

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES				/
BRADBURY	✓			
EDMONDS				✓
GiaQUINTA	✓			
HENRY		✓		
LONG	✓			
LUNSEY		✓		
RAVINE	✓			
SCHMIDT		✓		
TALARICO		✓		

DATED: \_\_\_\_\_

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_, M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

PAUL HELMKE, MAYOR

1  
2           **BILL NO. G-94-09-24 (AS AMENDED)**  
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4           **GENERAL ORDINANCE NO. G-\_\_\_\_\_**  
5

6           **An ordinance setting forth policies for**  
7           **City Employees who provide election-**  
8           **related services.**

9  
10          **WHEREAS**, before January 1, 1993, City employees  
11          traditionally received paid time-off for Primary Election and  
12          General Election Days;

13          **WHEREAS**, an ordinance allowing for the excused absence  
14          and payment for individuals who provide election-related  
15          services was defeated by the Common Council of the City of Ft.  
16          Wayne on April 26, 1994;

17          **WHEREAS**, the current agreement between the  
18          International Union of Operating Engineers, Local 19 and the  
19          City of Ft. Wayne contains language allowing for an excused  
20          absence and payment for individuals who provide election-  
21          related services;

22          **WHEREAS**, it is in the interest of the City of Ft. Wayne  
23          to have consistency with City policies;

24          **NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF**  
25          **THE CITY OF FT. WAYNE, INDIANA;**

26          **SECTION 1.** No collective bargaining agreement between  
27          the City and a collective bargaining unit shall contain a  
28          provision allowing for an excused absence and payment for  
29          individuals who provide election/campaign-related services.

30          **SECTION 2.** Primary Election and General Election Days  
31          shall not be recognized as paid holidays or authorized days  
32          off for persons employed by the City of Ft. Wayne, except for  
              individuals who work for the Allen County Election Board as  
              Inspector, Clerk, Judge or Sheriff or in some other official  
              capacity appointed by the Allen County Election Board for at  
              least eight (8) hours on the Election Day in question.

1 SECTION 3. Notification of intent to be absent for  
2 such Election Day activity must be given to the employee's  
3 supervisor at least four (4) calendar days before the Election  
4 Day on which the absence will occur. Subsequent to the  
5 authorization for absence, the employee must provide  
6 certification from the Allen County Election Board of the  
7 election-related work performed to be eligible for an  
8 authorized day off with pay.

9  
10 SECTION 4. That this ordinance shall be in full force  
11 and effect from and after its passage and any and all  
12 necessary approval by the Mayor and shall apply to all  
13 agreements entered into after its effective date.

14  
15 \_\_\_\_\_ Council Member  
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17 APPROVED AS TO FORM AND LEGALITY  
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19 \_\_\_\_\_ J. Timothy McCaulay, Corporation Counsel  
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2           **BILL NO. G-94-09-24 (As Amended)**  
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5           **GENERAL ORDINANCE NO. G-**  
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10           **An ordinance prohibiting the negotiation of excused  
11           absence and payment for individuals setting forth  
12           policies for City Employees who provide election-related  
13           services.**

14  
15           **WHEREAS**, before January 1, 1993, City employees traditionally received paid  
16           time-off for Primary Election and General Election Days;

17  
18           **WHEREAS**, an ordinance allowing for the excused absence and payment for  
19           individuals who provide election-related services was defeated by the Common Council  
20           of the City of Ft. Wayne on April 26, 1994;

21  
22           **WHEREAS**, the current agreement between the International Union of Operating  
23           Engineers, Local 19 and the City of Ft. Wayne contains language allowing for an  
24           excused absence and payment for individuals who provide election-related services;

25  
26           **WHEREAS**, it is in the interest of the City of Ft. Wayne to have consistency with  
27           City policies;

28           **NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF  
29           THE CITY OF FT. WAYNE, INDIANA;**

30  
31           **~~SECTION 1.~~ No collective bargaining agreement between the City or <sup>unit shall be</sup> and a  
32           collective bargaining unit negotiated shall contain a provision allowing for an excused  
33           absence and payment for individuals who provide election/*campaign*-related services.**

34  
35           **~~SECTION 2.~~ Primary Election and General Election Days shall not be recognized  
36           as paid holidays *or authorized days off* for persons employed by the City of Ft. Wayne,  
37           *except for individuals who work for the Allen County Election Board as Inspector,  
38           Clerk, Judge or Sheriff or in some other official capacity appointed by the Allen  
39           County Election Board for at least eight (8) hours on the Election Day in question.***

40  
41           ***SECTION 3. Notification of intent to be absent for such Election Day activity***

*must be given to the employee's supervisor at least four (4) calendar days before the Election Day on which the absence will occur. Subsequent to the authorization for absence, the employee must provide certification from the Allen County Election Board of the election-related work performed to be eligible for an authorized day off with pay.*

~~SECTION 3.~~ SECTION ~~4~~<sup>3</sup>. That this ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and shall apply to all agreements entered into after its effective date.

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### Council Member

**APPROVED AS TO FORM AND LEGALITY**

J. Timothy McCaulay, Corporation Counsel

Read the first time in full and on motion by seconded by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee on \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: \_\_\_\_\_

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Dixie Justice,  
seconded by \_\_\_\_\_, and duly adopted, placed on its passage.  
PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
<u>TOTAL VOTES</u>	— 0	8	—	1
<u>BRADBURY</u>	—	✓	—	—
<u>EDMONDS</u>	—	—	—	✓
<u>GiaQUINTA</u>	—	✓	—	—
<u>HENRY</u>	—	✓	—	—
<u>LONG</u>	—	✓	—	—
<u>LUNSEY</u>	—	✓	—	—
<u>RAVINE</u>	—	✓	—	—
<u>SCHMIDT</u>	—	✓	—	—
<u>TALARICO</u>	—	✓	—	—

DATED: 11-1-94.

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

PAUL HELMKE, MAYOR

Read the first time in full and on motion by Delmonte,  
seconded by                 , and duly adopted, read the second time by                 ,  
title and referred to the Committee on Regulations (and the  
City Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Common Council Conference Room 128, City-County  
Building, Fort Wayne, Indiana, on                 , the                 , day  
of                 , 19                , at                  o'clock M., E.S.T.

DATED: 9-27-94

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Delmonte,  
seconded by                 , and duly adopted, placed on its passage.  
PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>			<u>3.</u>
BRADBURY	<u>✓</u>			
EDMONDS				<u>✓</u>
GIAQUINTA				<u>✓</u>
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY				<u>✓</u>
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 10-11-94

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK  
*Kathy Esser, Deputy Clerk*

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO.  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_,  
at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

PAUL HELMKE, MAYOR

